

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014610
Name on Licence: Ali Omar Shaben
Licence Type & Class: Real Estate Broker
Brokerage Name on Licence: Sable Realty Corp. o/a Sable Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence under section 38.1 of the Rules.

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: Ali Shaben

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened section 42(a) of the *Real Estate Act Rules* and this is conduct deserving of sanction.

Rule 42 – *Licensees must not:*

- (a) *make a representation that is reckless or intentional and that misleads or deceives any person or is likely to do so,*

Particulars of the contravention(s):

1. In or around June 2023 you made a representation that was reckless or intentional and that misleads or deceives any person or is likely to do so, contrary to section 42(a) of the *Real Estate Act Rules*:

- a) June 15, 2023, you discussed the property located at [ADDRESS]., with the listing associated from JLL Jones Lang LaSalle Real Estate Services Inc., ("JLL").
- b) You indicated you had a client interested in the property and asked for their marketing brochure and Confidentiality Agreement.
- c) The associate for JLL agreed to provide you with the information for the potential client you advised JLL you had at that time.
- d) June 15, 2023, the same day you received the information from JLL, your associate sent JLL's brochure, along with a cover letter, to investor clients of your brokerage. The listing brokerage logo and contact information were removed.
- e) The cover letter was signed by your associate. This misrepresented that your associate and brokerage listed the property.
- f) The Confidentiality Agreement was not signed by your potential buyer until June 23, 2023.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- This was an intentional deception, by consciously removing the listing brokerage information.
- The brochure was sent to potential investors a full week before your interested buyer signed the Confidentiality Agreement.

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: [C.S], Investigator
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on August 1, 2024.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta